IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 24749 of 2007(U)

PETITIONER:

G.SURENDRAN,
BRANCH MANAGER, (UNDER ORDERS OF SUSPENSION),
CHEMMARUTHY SERVICE CO-OP.BANK LTD.NO.T 328,
PANAYARA P.O., VARKALA, THIRUVANANTHAPURAM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

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1. CHEMMARUTHY SERVICE CO-OP. BANK LTD.
NO.T 328, PANAYARA P.O., VARKALA,
THIRUVANANTHAPURAM, REP. BY ITS PRESIDENT.

2. JOINT REGISTRAR OF CO-OP.SOCIETIES,
THIRUVANANTHAPURAM.

3. B.SREEKANDAN NAIR,
ASST.SECRETARY/CHIEF ACCOUNTANT,
CHEMMARUTHY SERVICE CO-OP. BANK LTD NO.T 328,
PANAYARA P.O., VARKALA, THIRUVANANTHAPURAM.

R1 & R2 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 24749 OF 2007 U

Dated this the 16th August, 2007

JUDGMENT

The prayers in the Writ Petition are as follows:

> *"i) Issue a writ of mandamus or other appropriate writ, order or direction, directing the 1st respondent to appoint the petitioner in the post of Branch Manager/Internal Auditor.*
>
> *ii) Issue a writ of mandamus or other appropriate writ, order or direction, directing the 1st respondent to promote the petitioner as Asst. Secretary/Chief Accountant provided the 3rd respondent is found not qualified."*

2. The first respondent is a Co-operative Bank. The matter squarely comes under Section 69 of the Co-operative Societies Act, wherein the petitioner has an effective alternate remedy. Of course, one of the complaints of the petitioner is that pursuant to the disciplinary proceedings, petitioner was visited with the penalty of barring of three increments. He was working as Branch Manager. But, at the culmination of the disciplinary proceedings, petitioner was not reinstated as Branch Manager,

but he was reinstated in the Head Office as a Clerk. I feel that this is a matter where the petitioner has an alternate remedy. Accordingly, the writ Petition is disposed of relegating the petitioner to pursue the alternate remedy available. If the petitioner moves the Authority under Section 69 of the Act, the said Authority will consider and take a decision in the matter in accordance with law. In view of the urgency expressed by the learned counsel for the petitioner, the Authority will take a decision as expeditiously as possible and, at any rate, within ten weeks from the date of filing the application. It is also open to the petitioner to seek interim relief before the Authority.

K. M. JOSEPH, JUDGE

kbk.